
Justice Sector – Provincial / Territorial Roundtable Discussion *Protecting Critical Infrastructure*

Strategic Intervention/Messaging:

Solicitor General Jones

- Public safety is a top priority of this government. It is critical we take the steps necessary to protect the economy, critical infrastructure, border crossings, streets and highways from disruption.
- The blockades in Ontario are impacting businesses and disrupting the lives of everyday Ontarians.
- On February 11, Ontario declared a provincial state of emergency and put in place emergency measures in response to the interference with critical infrastructure that is happening in the province. This included the blockade that had disrupted trade at the Ambassador Bridge in Windsor, and ongoing protests in Ottawa.
 - These measures provide law enforcement personnel with new powers and tools to act.
 - The penalty for breaching these measures can lead to one-year imprisonment and a fine up to \$100,000 for an individual.
- Like others, we are analyzing the measures put in place by the Prime Minister under the *Emergencies Act* for how they will work on the ground with what is already in place.
- We have communicated to the Prime Minister our appreciation for the extra support, but that the measures should be time limited, geographically-specific, and that local police of jurisdiction should continue to lead.
- I am interested in hearing about your positions on the federal measures that have been put in place in advance of our upcoming FPT meeting next week, and learning about any actions that you have implemented in response to similar events in your jurisdictions.

Background:

- On February 11, 2022 at 3:46 pm, Premier Ford made an order declaring an emergency across the province. This was subsequently approved by Cabinet.
- The emergency was declared as a result of interference with transportation infrastructure and other critical infrastructure, which is preventing the movement of people and the delivery of essential goods and services.
- The Order:
 - Prohibits persons from blocking critical infrastructure.
 - Prohibits persons from preventing the ordinary use of, and preventing travel to or from, highways, walkways and bridges where this would disrupt the delivery of goods and services, disrupt economic activities or interfere with the health and safety of the public.
 - Gives provincial offences officers, including police officers the power to take enforcement actions.
 - Gives both the Registrar of Motor Vehicles and provincial offences officers the power to order owners or operators of vehicles that are contravening the order, to remove their vehicles, requires them to comply and permits the removal of the vehicles if they don't comply.
 - Grants power to the Registrar of Motor Vehicles and Deputy Registrar to make an order suspending or canceling licence plate permits, driver's licences and Commercial Vehicle Operator's Registration Certificates.
 - Allow provincial offences officers to remove objects (including vehicles), as well as enable someone else to remove them, when the object is not removed. Additionally, the object can be detained and stored for as long as the emergency order is in effect.
 - Make owners, operators and most recent drivers of vehicles responsible for the costs and charges for removal, detention and storage.
 - Allow any person who is reasonably qualified assist with removal, detention or storage at the request of a provincial offences officer.
- The Order defines critical infrastructure as:
 - 400-series highways,
 - airports,
 - canals,
 - hospitals,
 - infrastructure for the supply of utilities such as water, gas, sanitation and telecommunications,
 - international and interprovincial bridges and crossings,
 - locations where COVID-19 vaccines are administered,
 - ports,
 - power generation and transmission facilities, and
 - railways.

Federal *Emergencies Act*

- On Tuesday February 15, Prime Minister Trudeau invoked the Emergency Act for the first time.
- This will prohibit participation in public assemblies that may reasonably be expected to lead to a breach of the peace.
- The Order limits travel to or within areas where such assemblies are taking place (subject to certain exceptions), as well as uses of property for the purpose of facilitating an assembly.
- The Order also designates certain places, including critical infrastructure (defined below), as “protected” and provides that they may be secured.
- In addition, the Order provides that upon request by the Minister of Public Safety and Emergency Preparedness, RCMP Commissioner, or persons acting on their behalf, any person must make essential goods and services available for the removal of blockades.
- It provides that any goods or services provided in response to a request under the Regulations must be reasonably compensated by the federal government and authorizes peace officers to take necessary measures to ensure compliance with the Regulations and creates offences for failure to comply, which are punishable by fine, imprisonment, or both.

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